

SECOND REGULAR SESSION

HOUSE BILL NO. 1171

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKEY.

Pre-filed December 10, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3060L.011

AN ACT

To repeal section 8.683, RSMo, and to enact in lieu thereof two new sections relating to state building contracts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 8.683, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 8.252 and 8.683, to read as follows:

8.252. 1. No public owner, as defined in subdivision (3) of section 8.675, or construction manager, as defined in subdivision (2) of section 8.675, shall accept any bid for the erection or construction of any building, improvement, alteration, or repair project with an estimated cost in excess of two hundred thousand dollars received from a contractor which has not performed work for this state during the preceding five years unless the public owner determines the contractor making such bid satisfies the provisions of subsections 2 and 3 of this section.

2. For the purposes of determining the qualifications of contractors governed by subsection 1 of this section, the public owner shall consider the following:

(1) The contractor's experience in performing the type of work project to be bid, including the construction experience of personnel necessary for the project;

(2) The contractor's ability to complete the work project to the satisfaction of the department and in a timely manner, including a listing of previous completed projects similar to the work project;

(3) The types of work the contractor is qualified to perform;

(4) The contractor's insurance coverage, including comprehensive general liability,

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 **worker's compensation, and automobile coverage;**

18 **(5) The contractor's designation of a Missouri resident as its agent for the receipt**
19 **of legal process;**

20 **(6) The contractor's listing of all current projects in progress, including the value**
21 **of projects not yet completed and their completion dates;**

22 **(7) The equipment the contractor has available for the project which includes a list**
23 **of the specific equipment available for the project;**

24 **(8) Where practical, the contractor's bonding company shall provide records of its**
25 **most recent audit.**

26 **3. Any contractor which has not performed work for the state during the preceding**
27 **five years and is making a bid for a project with an estimated cost in excess of two hundred**
28 **thousand dollars shall provide information to the public owner necessary for a**
29 **determination of minimum qualifications pursuant to subsection 2 of this section.**

30 **4. All information submitted by a contractor to the public owner relevant to a**
31 **determination of minimum qualifications and all information used by the public owner to**
32 **determine such contractor's qualifications shall be protected from disclosure pursuant to**
33 **the provisions of section 610.021, RSMo.**

8.683. Upon award of a construction management services contract, the successful
2 construction manager shall contract with the public owner to furnish his **or her** skill and
3 judgment in cooperation with, and reliance upon, the services of the project architect or engineer.
4 The construction manager shall furnish business administration, management of the construction
5 process and other specified services to the public owner and shall perform in an expeditious and
6 economical manner consistent with the interest of the public owner. Should the public owner
7 determine it to be in the public's best interest, the construction manager may provide or perform
8 basic services for which reimbursement is provided in the general conditions to the construction
9 management services contract. The construction manager shall not, however, be permitted to
10 bid on or perform any of the actual construction on a public works project in which he **or she** is
11 acting as construction manager, nor shall any construction firm which controls, is controlled by,
12 or shares common ownership or control with, the construction manager be allowed to bid on or
13 perform work on such project. The actual construction work on the project shall be awarded by
14 competitive bidding as provided by [law] **section 8.252, as well as all other applicable**
15 **provisions of law.** All successful bidders shall contract directly with the public owner, but shall
16 perform at the direction of the construction manager unless otherwise provided in the
17 construction manager's contract with the public owner. All successful bidders shall provide
18 payment and performance bonds to the public owner. All successful bidders shall meet all the
19 obligations of a prime contractor to whom a contract is awarded, pertaining to the payment of

20 prevailing wages pursuant to sections 290.210 to 290.340, RSMo. In addition, all nonresident
21 employers shall meet the bonding and registration requirements of sections 285.230 to 285.234,
22 RSMo.